

REMARKS

As a result of this amendment, which is responsive to the Office Action of May 31, 2005, claims 1-28, 33-42, 59-84, 87-90, 93-94, 99-104, 106-108, 111-113, 120-121 and 126-176 are now pending in this application. Claims 127, 127, 136, and 174 are amended. Claim 136 stands objected to, and all the pending claims stand rejected under §§101 and 103.

A detailed response to the objections and rejections follows. However, applicant reserves all applicable rights not expressly exercised in connection with this response, including, for example, the right to swear behind one or more cited references and the right to rebut characterizations of the references and asserted combinations or motives for combination. Applicant makes no admissions regarding the prior art status of any of the cited references. Unless expressly noted in these remarks, no amendments or statements made herein are intended to evidence disclaimer of any subject matter that applicant is entitled to.

Affirmation of Election

In the Action, the Examiner asserted that claims 1-28, 33-42, 59-94, 99-104, 106-108, 111-113, 120-121, and 148-157 “needed to be canceled [because these] claims have been restricted.” In response, applicant respectfully submits that these claims belong to Group I, as set forth in the Restriction Requirement, and that claim 158, which belongs to the previously elected Group VII (claims 126-147 and 158-176) links Groups I and VII. Section 809 of the MPEP states that “linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn.” Accordingly, applicant has left the claims of Group I pending, and respectfully requests that they be examined with allowance of claim 158.

Response to Claim Objections

Claim 136 was objected to as being dependent on itself. In response, applicant has amended claim 136 to depend on claim 135. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the objection of claim 136.

Response to §101 Rejections

Claims 167-175 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, applicant respectfully submits that these claims are believed to be consistent with the Ex Parte Carl A. Lundgren decision and new and recently promulgated Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. In particular, applicant notes that these claims require “providing one or more graphical user interface features, including a user-selectable icon, to a client access device.” As such, applicant respectfully submits the subject matter of these claims is not subject to pure mental performance.

Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the §101 rejections.

Response to §103 Rejections

The Examiner appears to have rejected all the pending claims under 35 U.S.C. §103(a) as allegedly unpatentable over "Learning lexis.com" (Publication of Lexis Publishing, Dayton, OH, (2000), 1-32 and Lexis) in view of Heston (U.S. 2002/019741-A1).

In response, applicant respectfully submits that neither the Learning lexis.com nor the Heston references appear to qualify as prior art relative to the present application. The present application is a continuation of U.S. Patent Application 09/120,170, which was filed on July 21, 1998. The Learning lexis.com reference appears to have a year 2000 publication date, and the Heston reference appears to have a year 2000 effective filing date, specifically July 7, 2000. Thus, the 1998 effective filing date of the present application clearly predates the effective dates of the Learning lexis.com and Heston references.

Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the §103 rejections.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

FORREST RHOADS ET AL.

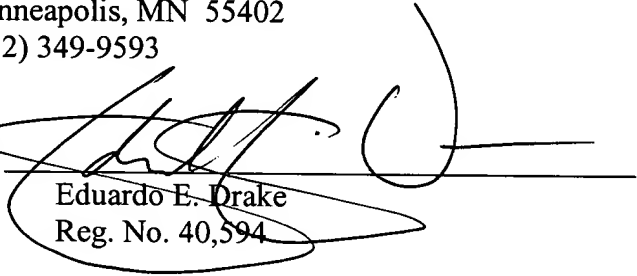
By their Representatives,

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Date

31 Oct. 2005

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of October, 2005.

Name

KACIA LEE

Signature

Kacia Lee